

**CITY OF MILPITAS
UNAPPROVED**

PLANNING COMMISSION MINUTES

January 25, 2006

- I.
PLEDGE OF
ALLEGIANCE**
- Chair Williams** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II.
ROLL CALL**
- Present: Ali-Santosa, Azevedo, Ciardella, Galang, Mandal, Tabladillo and Williams
Absent: None
Staff: Bejines, Carrington, Medina, Pio Roda, Whitecar and Williams
- III.
PUBLIC FORUM**
- Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.
- There were no speakers from the audience.
- IV.
APPROVAL OF MINUTES**
- December 14, 2005 and January 11, 2006
- Chair Williams called for approval of the minutes of the Planning Commission meeting of December 14, 2005 and January 11, 2006.
- Staff had no changes to the minutes.
- Motion** to approve the December 14, 2005 and January 11, 2006 minutes.
- M/S: Galang/Azevedo
AYES: 3
NOES: 0
ABSTENTIONS: 4 (Mandal, Ali-Santosa, Ciardella and Tabladillo)
- V.
ANNOUNCEMENTS**
- Tom Williams, Planning and Neighborhood Services Director**, announced that on April 4, 2006 in the City Hall Council Chambers, City Council would recognize all Commissioners and Committee members who were seated in the year 2005. He also announced that the Community Advisory Commission is soliciting forms to the public on thoughts and feedback on how to improve the City.
- VI.
CONFLICT
OF INTEREST**
- Chair Williams asked if the Commission has any conflict of interest on tonight's agenda.
- There were no Commissioners that identified a conflict of interest.
- VII.
APPROVAL OF
AGENDA**
- Chair Williams called for approval of the agenda.
- Staff requested that Agenda Item No. 2 come before Agenda Item No. 1.
- Motion** to approve the agenda with staff's recommendation.
- M/S: Mandal/Azevedo
AYES: 7
NOES: 0
- VIII.
CONSENT CALENDAR**
- Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.
- There were no consent items to be considered tonight.

**IX.
NEW BUSINESS**

**1.
PLANNING
COMMISSION UPDATE
ON CONFLICT OF
INTEREST, THE
BROWN ACT, OPEN
GOVERNMENT
ORDINANCE AND
ROBERT'S RULES OF
ORDER**

Richard Pio Roda, Assistant City Attorney, Tom Williams, Planning and Neighborhood Services Director, and Terry Medina, Deputy Director of Information Services, presented information on Conflict of Interest, the Brown Act, Open Government Ordinance and Robert's Rules of Order and noted that there is no action required.

Commissioner Mandal asked if e-mails are considered public record and Mr. Pio Roda said yes.

Commissioner Mandal asked how long should e-mail records be kept and Mr. Pio Roda said a minimum of three days.

Commissioner Mandal asked how long should agendas be kept and Mr. Pio Roda said that the Commission could do what they want with the agendas because they are no longer public record.

Chair Williams noted that this is an election year and at times, Commissioners have been solicited for endorsement. He asked how would this come into play with the Open Government Ordinance. Mr. Pio Roda said that since it involves City business the Commission should put the information in their public calendars.

Commissioner Azevedo asked what would happen if four Commissioners attend a social function together. Mr. Pio Roda said that as long as the Commissioners do not talk about Planning Commission issues, then they would not be in violation of the Brown Act.

Commissioner Tabladillo noted that she is a government relations manager for Kaiser and is always attending social functions. If she were to invite City officials to the event, would she need to disclose that in her public calendar. Mr. Pio Roda said that if the Kaiser event were to involve City business then she would need to disclose the information.

Vice Chair Galang asked if it would be a conflict of interest if he toured a future project site. Mr. Pio Roda said that it would not be a conflict of interest, however he needs to let the Commission know he attended a tour.

Commissioner Azevedo noted that some Commissioners received a circular map showing the areas where they would have a conflict of interest however he did not get one. Mr. Williams replied that staff would make sure that all Commissioners receive a map by the next meeting.

Commissioner Azevedo asked what would happen if there is an item on the agenda and he goes to visit the property and starts talking to the owner. Mr. Pio Roda said that is o.k. as long as Commissioner Azevedo discloses at the meeting that he had an ex parte contact.

Mr. Williams added that if Commissioners are invited out to the field to review a project, it would be in everyone's best interest not to schedule their appointments at the same time and suggested that everyone go individually and definitely not more than two Commissioners at a time to avoid any conflict.

Chair Williams reiterated that it is a good idea for Planning Commissioners to go out and visit the project site before it comes to the Planning Commission for public hearing.

Vice Chair Galang noted that he has a brother that owns property in Milpitas and if he should consider that a conflict of interest. Mr. Pio Roda said that he needs to ask himself whether or not he has conflict of interest and if he is not sure, he can always talk to the City Attorney's office and ask for advice.

2.
CITY OF MILPITAS
ECONOMIC
STRATEGIC PLAN

Commissioner Azevedo asked what would happen if a Commissioner has a conflict of interest. Mr. Pio Roda said the Commissioner would have to announce and explain the conflict of interest, leave the dais, not participate in discussion but can speak as a member of the public.

Commissioner Mandal thought that a Commissioner would have to leave the Council Chambers however Mr. Pio Roda explained that the rules have changed. Commissioners do not lose their status as a member of the public and are allowed to speak publicly on an item and do not need to leave the room.

Vice Chair Galang asked if a Commissioner could serve on another Commission outside of Santa Clara county. Mr. Pio Roda said that he would have the City Attorney look into that however if a Commissioner is a member of a non-profit board it shouldn't be a problem.

Commissioner Azevedo asked what does point of order mean. Mr. Pio Roda said that it means that there is a problem occurring at a point.

Commissioner Mandal asked if the City has an e-mail policy. Mr. Williams noted that staff would be happy to provide the Commissioners with a copy of the City's e-mail policy.

Chair Williams noted that this presentation was for information only and no action is required.

Diana Whitecar, Economic Development Manager, presented an overview of the City's Economic Strategic Plan and noted that this item is for information only and no action is required. She also introduced Dhaval Brahmabatt, Chair of the Economic Development Commission.

Commissioner Tabladillo asked if Ms. Whitecar provides economic input relating to a project when it comes to the Commission. Ms. Whitecar explained that there is a new management team, and there is openness to hear all sides and the Commission can trust that she is working collaboratively with Mr. Williams on goals and objectives. For example, they are working with Midtown property owners at Main and Serra so that they can feel the City is accessible and can get to know each other better.

Commissioner Mandal asked what was the scope of work for the Economic Strategic Plan. Ms. Whitecar said the consultants gathered the base data by pulling the data from different groups and then laid out the information so that the stakeholder group can see it in raw form and then trimmed from there to form the strength and weaknesses and then held a public hearing.

Commissioner Mandal asked what kind of attendees were at the public meeting. Mr. Brahmabatt said there were some high tech and mostly smaller businesses however the larger business owners did not show up.

Commissioner Ciardella asked if the City is doing anything in the industrial parks to update the buildings to get some of the smaller businesses into the huge buildings. Ms. Whitecar said while the City is not doing that proactively, it is happening on the private market like Fleming Business Park, which converted their buildings into condominiums. She noted it is a real challenge because that type of use is moving away from the area, however she agrees that staff should be in a more proactive role.

Commissioner Mandal asked Mr. Brahmbatt to expand his discussion of Nano Technology. Mr. Brahmbatt explained that his company is involved in Nano Technology which are businesses that are trying to create compounds, energy sources, materials, alternate energy or medical applications that could come out of this cluster. The idea is to cluster many companies with a central facility and as these companies grow and grow would be replaced by other companies.

Ms. Whitecar said that she is learning about Nano Technology and wants to find a home for these individuals that want to work.

Chair Williams added that if these companies are using molecules and atoms to create various chemical compounds, then they are talking about an extremely small component.

Commissioner Mandal added that the whole Bay Area region is still looking into the stem cell research and asked if staff considers that part of the Economic Development Plan. Mr. Brahmbatt said that he has met with city officials in San Francisco who just received an award. However in regards to Nano technology it does overlap with stem cell research.

Commissioner Tabladillo asked if staff is looking at incubator programs. Ms. Whitecar said that she does have some familiarity with incubators but it doesn't come without a price to the public agency so it has to be weighed out.

Chair Williams said that there are many threats that can face the City such as earthquakes, floods, terrorists and airplane crashes and asked if an emergency plan will be part of the Economic Strategic Plan. Ms. Whitecar said that it is an emerging topic that is becoming part of economic development and everyone is talking about it and thinks it is an area that the City will be eventually morphing into however at this time, it is not part of the Economic Strategic plan.

Chair Williams noted that this presentation was for information only and no action is required.

The meeting was adjourned at 8:48 p.m. to the next regular meeting of February 8, 2006.

X. ADJOURNMENT

Respectfully Submitted,

Tom Williams
Planning and Neighborhood Services
Director

Veronica Bejines
Recording Secretary